

**22 FEBRUARY 1995**



**Civil Engineering**

**ARMY AND AIR FORCE BASIC REAL ESTATE  
AGREEMENTS**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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OPR: AFREA/MI  
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Supersedes AFR 87-15, 10 October 1969.

Certified by: SAF/MI  
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Pages: 3  
Distribution: F

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This instruction implements AFRPD 32-90, *Real Property Management*. It explains the agreements between the Air Force and Army for the acquisition, outgrant, and disposal of real property, as well as other property uses. This instruction does not apply to base closures handled by the Air Force Base Conversion Agency (AFBCA).

**SUMMARY OF REVISIONS**

This instruction highlights the increased responsibilities for real estate actions delegated to Air Force major commands (MAJCOM) and updates the guidance for use of *Certificates of Necessity*. ARMY: The Army pamphlet 405-1 replaces AR 405-5 which has been rescinded.

**1. Definition of Real Estate.** Real estate or real property includes:

- Any interest in land, together with the improvements, structures and fixtures such as installed equipment and appurtenances thereto, and leaseholds, under the control of the Air Force.
- Improvements of any kind, structures and fixtures such as installed equipment, under the control of the Air Force when designated for disposition without the underlying land.
- Standing timber and embedded gravel, sand, stone, or underground water under the control of the Air Force whether designated for disposition by the Air Force or by severance and removal from the land. This does not include timber felled, water stored and gravel, sand or stone excavated by or for the Government before disposition.



## **2. Acquisition and Disposition of Real Estate:**

**2.1. Coordination between the Air Force and the Army.** The Department of the Air Force may use the services of the Corps of Engineers, Department of the Army, for the acquisition and disposition of real estate. (Otherwise, the Air Force MAJCOM must take the necessary actions.) The Air Force may issue instructions to the Corps to guide particular types of transactions. All levels of the Air Force may communicate directly with the appropriate Corps of Engineers office on real property matters. Provide the Corps of Engineers Headquarters and the appropriate Corps of Engineers division information copies of the directive.

**2.2. Acquiring Real Estate.** The Air Force Real Estate Agency (AFREA/MI) or appropriate Air Force MAJCOM asks the Corps of Engineers to acquire real property to meet new or expanded Air Force requirements. An Air Force acquisition request contains:

- Authority to take action.
- The location of the property.
- The funding source.
- The name of the installation requesting the property.
- The name of the disbursing officer.
- Any special instructions.

**2.3. Certificate of Necessity For Certain Leased Property.** MAJCOMs, through AFREA/MI, obtain a *Certificate of Necessity* from the Deputy Assistant Secretary of the Air Force (Installations), SAF/MII, for leased property in these cases when:

- The proposed annual rent exceeds 20 percent of the property's fair market value.
- Alterations, improvements, and repairs are expected to exceed 30 percent of the property's fair market value for either of these periods: --The first year's rent.-- The entire rental period, if it's less than 1 year.

**2.4. Disposal of Real Estate.** AFREA/MI notifies the Corps of Engineers when a parcel of real property is no longer needed. The Corps of Engineers then disposes of the property according to applicable laws and regulations.

**2.5. Notice of Property Availability.** When the Corps of Engineers receives notice from the appropriate Air Force level that Air Force property is available for nonmilitary use, the Corps of Engineers will prepare the necessary outgrant document for Air Force execution for the nonAir Force use of such property. This is subject to any conditions in the Notice of Availability.

**2.6. Corps of Engineers as Custodian of Legal Records.** The Corps of Engineers is custodian of legal records concerning Air Force real property. Furnish the Corps of Engineers a copy of all real estate documents executed by the Air Force. The Corps of Engineers gives the Air Force, as required, copies of legal records relating to the acquisition, disposition, or temporary use of Air Force property.

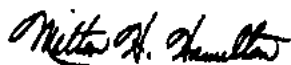
**2.7. Sale of Crops and Use of Timber.** The Air Force is responsible for selling any crops grown on Air Force installations and arranging for the use and disposal of timber grown on Air Force installations.



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DISTRIBUTION:

Air Force: F

Army: This publication has been distributed as required on DA Form 12-09-E, block 5453, intended for command levels.